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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/434,498 11/05/99 DATE

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 EXAMINER

HESS, B

 ART UNIT PAPER NUMBER1774 *7*

DATE MAILED:

03/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/434,498
Applicant(s)
Date et al.
Examiner
Bruce Hess
Group Art Unit
1774

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 11-5-98 (Prob. Amend.).

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-5 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-5 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413

Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

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1. Claims 1-5 are rejected under 35 U.S.C. 112 (second paragraph) as being indefinite in the recital of "controlling the changing speed of temperature and/or keeping temperature" (emphasis added). The aforementioned emphasized terms do not have a well-defined scope and meaning.
2. Claims 1-4 are rejected under 35 U.S.C. 103 as being unpatentable over Furuya et al (U.S.P. 5,981,115).

Applicants' specification describes reversible heat-sensitive paper wherein the heat-sensitive recording layer contains any known color former and any one of several color developers (see the specification at page 8, lines 8-27). Since the reversible heat-sensitive paper of Furuya et al. employs the same color reactants (see column 17, lines 18-20), it is inherent that the Furuya et al. article functions in the manner claimed by applicants.

3. Claims 1-5 are rejected under 35 U.S.C. 103 as being unpatentable over applicants' statement of the prior art.

As noted above, applicants' specification discloses reversible heat-sensitive paper wherein the heat-sensitive recording layer contains any known color former and any one of several color developers. These color developers are all known compounds which are disclosed in various foreign patents listed at the bottom of page 8 of applicants' specification. As color developers, these compounds are employed with known color developers. Since these prior art color

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reactants are the same as those employed in applicants' specification, it is inherent that the prior art reactants function in the manner claimed by applicants.

Hess/nt

3-17-01

Bruce Hess

BRUCE H. HESS
PRIMARY EXAMINER